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ILITIA LAW



TATE OF CONNECTICUT.

1888.

MILITIA LAW

OF THE

STATE OF CONNECTICUT,

REVISION OF 1887;

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TITLE LVI.

MILITIA.

CHAPTER CLXXXIX.

Liability and Exemption.

G. S. 1875, 111, § 1. Who liable.

Sec. 3133. All male citizens of this State between the ages of eighteen and forty-five years, not expressly exempted by law, shall be subject to military duty, and designated as the militia.

G. S. 1875, 111, § 2. Active militia.

Sec. 3134. The active militia shall be organized as hereinafter mentioned, and designated as the Connecticut National Guard, and said guard shall be liable at all times to be ordered into active service, and shall first be called out by the Commander-in-chief on all occasions for military service, and may be by him turned over into

the service of the United States, on requisition by the President, for service without the State, not exceeding three months in any one year. In time of war, invasion, rebellion, or riot, or reasonable apprehension thereof, or upon requisition by the President of the United States, the Commander-in-chief may order out, for active service, such further portion of the militia as he may deem necessary, designating the same by draft, if a sufficient number shall not volunteer, and may organize the same and appoint and commission officers therefor; and when so ordered out for service, the militia shall be subject to like regulations and receive from the State like compensation, as that prescribed for the army of the United States.

When turned over to the United States.

Drafts.

Sec. 3135. The Commander-in-chief shall apportion any such draft equitably among the several towns; and the order therefor may be directed to the selectmen of each town, who shall thereupon amend the rolls of the militia therein by adding thereto the names of persons subject to enrollment, and by striking therefrom the names of persons exempted by the provisions of this title; and they shall appoint a time and place of parade for the militia in such town, and order them to appear thereat, either orally, or by leaving written or printed notices with them, or at their usual places of abode, or by publishing a notice thereof in some newspaper printed in the county in which said town is, and by posting a like notice on the public sign-posts in said town; and shall then and there proceed to draft such number by lot from such militia, or to accept such number of volunteers, as the order of the Commander-in-chief shall require; and shall return to the Adjutant-General the names of persons drafted, or enlisted under said order, who shall thereupon be subject to the order of the Commander-in-chief; and if any selectman of any town shall neglect or refuse to comply with such order, the Commander-in-chief may appoint some proper person to execute the same, at the expense of such town, who shall make return of his doings to the Adjutant-General.

G. S. 1875, 111, § 3. Drafts for active service.

Returns by selectmen.

Sec. 3136. No person except the Commander-in-chief shall call out the militia or national guard of this State for any duty whatever. But the Commander-in-chief may make such regulations for calling out the national guard for drill, parades, and inspections as seems to him proper in conformity with law, and the said guard may be called out by the proper officers for these purposes, and no other.

1878, ch. 189. Governor alone to call out the militia.

Sec. 3137. In case of riot or civil commotion at any place in this State, any officer whose duty it is to enforce the civil authority at such place, shall, if he considers that the force at his disposal is not sufficient, inform the Commander-in-chief, who may order out such portion of the national guard as he thinks proper, and may direct the proper commanding officer of such force to communicate with the person making the application and to assist such person in preserving the peace, and to use such portion of his force as may be necessary therefor. But before using this force against any body of men, such preliminary warning shall be given and precautions taken as are provided by law.

1878, ch. 189. In case of riot or civil commotion.

1878, ch. 139
When immediate communication cannot be had with the Commander-in-chief.

Sec. 3138. In case it is impossible to immediately communicate with the Commander-in-chief, the civil officer making requisition for assistance may, if he deem the danger too imminent to admit of delay, serve a copy of such requisition, together with a statement of his inability to communicate with the Commander-in-chief, upon the commanding officer of such portion of the national guard as may be in his district, who is hereby authorized to exercise with respect to calling out the troops under his command, the powers herein conferred upon the Commander-in-chief; but if the action so taken is disapproved by the Commander-in-chief, the troops so called into service shall be immediately discharged from further duty under that call.

1878, ch. 139.
Military force not liable for killing or injuring rioter.

Sec. 3139. If any person or persons resisting the laws of the State, or unlawfully or riotously assembled, shall be injured or killed by any of the military force called out under the provisions of the two preceding sections, such force shall be discharged from all civil or criminal liability therefor.

1881, ch. 143.
Enrollment.

Sec. 3140. The names of all male citizens of this State between the ages of eighteen and forty-five years shall annually, at some time between the first day of October and the first day of March following, be enrolled alphabetically by or under the supervision of the selectmen of the town in which they reside. On such enrollment lists and opposite the name of every person, exempt from military duty, or a minor, or in the active militia, the selectmen shall write "exempt" and the reason of such exemption, or "minor" or "active militia," as the case may be, and shall sign said lists and file them in the office of the town clerk of such town; and annually, on or before the first day of April, make report to the Adjutant-General of the total number enrolled on their respective town lists, the number marked exempt by reason of disability, the number exempt by reason of other causes, the number of minors, the number of active militia, the number liable to military duty, and the number liable to pay a commutation tax as hereinafter provided, and shall certify that they believe said lists to be correct. The Adjutant-General shall forward the return of the number liable to pay a commutation tax to the State Treasurer.

G. S. 1875, 112, § 5.
1878, ch. 9.
Who exempt.

Sec. 3141. The following reasons shall exempt from such military duty: first, such physical or mental disabilities as shall be prescribed in general orders issued by the Surgeon-General and approved by the Commander-in-chief, and printed copies of such approved general orders specifying such reasons of exemption, shall be sent annually on or before the first day of June in each year, to the selectmen and town clerk in each town in the State by the Surgeon-General; second, service in the army or navy of the United States, during the late rebellion, and an honorable discharge therefrom; third, membership for the time being of a volunteer fire company in this State; fourth, service for five years consecutively in the active militia of this State or in any volunteer fire company in this State; fifth, being a warden or deputy warden of the State

Prison; sixth, any further reason expressly provided by law; but the reasons specified in the clauses marked second, third, and fourth in this section, shall not exempt from military duty, in time of war, invasion, or rebellion, or reasonable apprehension thereof.

Sec. 3142. The selectmen of every town shall, on every rate-bill for its annual tax, add a tax of two dollars on every person so enrolled as liable to military duty, except minors and members of the active militia, which tax shall be in commutation of military duty, and collected and paid to the town at the time and in the manner provided for town taxes. The town treasurers shall pay to the Treasurer of the State, on or before the tenth day of November, annually, such military commutation tax as is determined to be due from their respective towns by the returns of the selectmen to the Adjutant-General last before made, except as hereafter provided, and the Treasurer shall have the same power to enforce such payment as he has in the case of any State tax. The town treasurers in making the payments above provided for may deduct therefrom a sum equal to that part of the commutation taxes placed upon the rate-bills of their respective towns last issued which cannot be collected, not to exceed ten per cent. of such taxes.

1881, ch. 148. Commutation tax.

Sec. 3143. Any selectman neglecting or refusing to faithfully perform the duty as enrolling officer required by this chapter shall be fined five hundred dollars. When the Adjutant-General shall find, from the returns of the selectmen in any town, that they have not made a true report of the number of persons liable to military duty or to pay a commutation tax, under the provisions of this title, he shall notify them by mail that they have failed to make such report; and if they shall not make true report of the number of such persons, as nearly as the same can be ascertained, within twenty days after such notice, he shall notify the State's Attorney in the county in which said selectmen reside, who shall proceed to collect such penalty.

G. S. 1875, 113, § 7. Penalty if selectmen neglect or refuse to enroll.

Sec. 3144. Any person knowingly and willfully refusing information, or giving false information, to any selectman making such enrollment, respecting the name, age, residence, occupation, military service, or service in any fire company, or physical or mental disability of himself, or of his son or ward, or person in his employ or boarding with him, shall be fined twenty dollars. In case of doubt as to exemption from military duty, or from the payment of such commutation tax, the burden of proving such exemption shall be on the person claiming it; and all enrolling officers may require the persons examined by them to testify under oath, and may administer such oath.

G. S. 1875, 113, § 8. Penalty for giving false information.

Sec. 3145. The Commander-in-chief may appoint post-surgeons, removable at his pleasure, to determine exemptions from military duty by the standard of disability prescribed by the Surgeon-General as aforesaid. All decisions of such post-surgeons shall be subject to review and reversal by the Surgeon-General.

G. S. 1875, 113, § 9. Post surgeons.

CHAPTER CXC.

Organization.

G. S. 1875, 113, § 1. 1881, ch. 9. Governor to be Commander-in-chief.

Sec. 3146. The Governor shall be Commander-in-chief of the militia, except when turned over into the service of the United States, and may employ it, or any part of it, for the defense or relief of the State or any part of its inhabitants or territory; may make and publish regulations for the government of the national guard, in accordance with the laws of this State, and shall have all the powers necessary to carry into full effect the provisions of this title.

G. S. 1875, 113, § 2. 1881, ch. 32. His staff.

Sec. 3147. His staff shall consist of an adjutant-general, with the rank of brigadier-general, appointed by him; a quartermaster-general, a surgeon-general, a commissary-general, and a paymaster-general, each with the rank of brigadier-general, and appointed by him, with the consent of the Senate, and four aides-de-camp, each with the rank of colonel, appointed by him. The Adjutant-General, with the consent of the Commander-in chief, may appoint an assistant adjutant-general, with the rank of colonel, who may perform all the duties of the Adjutant-General in case of the absence, inability, or express directions of the latter. The Quartermaster-General, with the consent of the Commander-in-chief, may appoint an assistant quartermaster-general, with the rank of lieutenant-colonel, for whose conduct he shall be responsible; who may, under his direction, take charge of the property in his department, and perform such other duties therein as he may direct.

Assistant adjutant-general.

Assistant quartermaster-general.

G. S. 1875, 114, § 3. 1883, ch. 109. 1879, ch. 12. 1887, ch. 101. Name of the national guard and number of regiments. 40 Conn., 286.

Sec. 3148. The Connecticut National Guard shall consist of not exceeding forty companies of infantry, four machine-gun platoons, and one battery of artillery. The forty companies of infantry and machine-gun platoons shall be divided into four regiments, one for each congressional district, designated by the number of the district, and one battalion at large. All enlistments shall be for five years, but any person who has received or is entitled to an honorable discharge from said guard by reason of expiration of term of service, may be re-enlisted for a term of two years. All enlistments shall be made by signing duplicate enlistment papers in such form as may be prescribed by the Adjutant-General, one to be forwarded forthwith to him by the enlisting officer, and one to be filed with the records of the company, section, or band in which such enlistment is made. Every enlisting officer may administer the oath

Term of enlistment.

Mode of enlistment.

Administration of oath.

required upon enlistment. No enlistment shall be allowed of other than able-bodied male citizens of this State, between the ages of eighteen and forty-five years, residing in the town where the armory of the company is situated, or an adjoining town, except that company musicians and members of regimental bands may be enlisted between the ages of sixteen and fifty years. In time of peace, no minor shall be enlisted without the written consent of his parent or guardian; and no uniform, allowance, pay, or compensation shall be given by the State to any enlisted man not certified by the surgeon or assistant-surgeon of his regiment, or a post surgeon, to be able-bodied, in accordance with the standard prescribed therefor by the Surgeon-General. Minors.

Sec. 3149. The national guard shall constitute one brigade under the command of a brigadier-general appointed by the Commander-in-chief with the consent of the Senate. The Brigadier-General shall nominate on his staff an assistant adjutant-general with the rank of lieutenant-colonel, a brigade-inspector, a brigade-quartermaster, a brigade-commissary, and a brigade-inspector of rifle practice, each with the rank of major; a medical director with rank of lieutenant-colonel, an engineer and signal officer with rank of major, and two aides-de-camp, each with the rank of captain. The medical director must be a graduate of a lawfully established medical college, and have been in practice for at least five years prior to date of appointment. The engineer and signal officer must be a civil engineer of at least three years' standing prior to date of appointment. The Brigadier-General may appoint and warrant two orderlies and one trumpeter, each with the rank of sergeant, who shall appear mounted on all days of review and parade when so ordered by him. 1883, ch. 109. 1887, ch. 28, § 1. Brigade and brigade officers.

Sec. 3150. Each regiment shall consist of not more than ten companies, a machine-gun platoon, and a regimental band, and the field officers shall consist of a colonel, lieutenant-colonel, and major, all nominated by its field and line officers. Each colonel shall nominate on his staff an adjutant with rank of captain, a quartermaster and a paymaster, each with the rank of first lieutenant, a surgeon with rank of major, an assistant-surgeon with rank of first lieutenant, an inspector of rifle practice with rank of captain, a signal officer with rank of first lieutenant, and a chaplain who shall be commissioned without rank, but entitled to pay and allowances of an adjutant. The non-commissioned staff of a regiment shall consist of a sergeant-major, a quartermaster-sergeant, a commissary-sergeant, a hospital-steward, a chief trumpeter, and a drum-major, to be appointed by the colonel and warranted by him. The battalion at large shall consist of not more than four companies, and shall be commanded by a major. The major of the battalion shall nominate on his staff an adjutant, with rank of captain, a quartermaster, and an assistant-surgeon, each with the rank of first lieutenant. The non-commissioned staff of the battalion at large shall consist of a sergeant-major, a quartermaster-sergeant, a signal-sergeant, a chief trumpeter, and a drum-major, all appointed by the 1883, ch. 109. 1887, ch. 28, § 2. Regiments and regimental officers. Non-commissioned staff. Battalion and battalion officers.

major and warranted by him. All surgeons and assistant-surgeons must be graduates of a lawfully established medical college, and all hospital stewards must be duly licensed by the State Commissioners of Pharmacy.

G. S. 1875, 114, § 6. 1883, ch. 109. 1887, ch. 28, § 3. 1887, ch. 28, § 5. Company officers.

Sec. 3151. Each company shall consist of a captain, a first lieutenant, and a second lieutenant, all nominated by the company, a first sergeant, a quartermaster-sergeant, four sergeants, eight corporals, one trumpeter, and two musicians, and not more than sixty-four, nor less than thirty-two privates. Each machine-gun platoon shall consist of one second lieutenant, mounted, and such number of non-commissioned officers and privates as the Commander-in-chief may from time to time prescribe. The commanding officer of each platoon shall hereafter be nominated by the members of the platoon, as provided in section 3153. Each platoon shall be provided with one or more machine-guns. The uniform and equipment of officers and men shall be that of light artillery. The platoons shall be located respectively in the cities of Hartford, New Haven, New London, and Bridgeport, and they shall bear the same numerical designation as the regiment to which they belong. To each machine-gun there shall be allowed two horses, and there shall be paid for each horse used on parade a sum not exceeding three dollars per day, and forage or commutation therefor. Each regimental band shall consist of not more than twenty nor less than twelve members, one of whom shall be appointed and warranted, by the regimental commandant, chief musician, with the rank of sergeant. The present organizations known as the first, second, third, and fourth machine-gun platoons of the first, second, third, and fourth regiments, Connecticut National Guard, with the officers and men thereof, are hereby continued under the provisions of this section.

Machine-gun platoon, how constituted.

Uniform and equipment.

Where located.

Chief musician.

Bands.

Present machine-gun platoons continued. 86 Conn., 376.

1883, ch. 100. Battery of artillery and its officers.

Sec. 3152. The battery of artillery shall consist of a captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster-sergeant, one veterinary sergeant, four sergeants, eight corporals, two trumpeters, one guidon, and not more than sixty-four nor less than thirty-two privates. The two platoons constituting the battery of artillery may, at the discretion of the Commander-in-chief, be located in different towns, and in such case the first lieutenants of platoons shall receipt for and be responsible to the State for all property issued to said platoons. To each platoon there shall be one first and one second lieutenant, nominated in the manner provided for officers of companies of infantry, two sergeants, four corporals, one trumpeter, and not more than thirty-two privates. The captain of the battery shall be nominated by the lieutenants of platoons, and he shall appoint and issue warrants for all non-commissioned officers of the battery; but if the two platoons are located in different towns, the first lieutenants of platoons shall nominate the sergeants and corporals of their respective platoons.

Platoons.

G. S. 1875, 115, § 8. 1887, ch. 101. Nomination of

Sec. 3153. All meetings for the nomination of commissioned officers shall be ordered by the Commander-in-chief. The orders

therefor shall be addressed to the person therein designated to preside at such meeting, who shall, at least five days previous thereto, cause notice thereof to be given to each person entitled to vote thereat, by reading such a notice, stating the time and place of meeting, in his hearing, or depositing it in the mail, properly addressed, with the postage paid, or leaving it at his usual place of abode. The nomination shall be made by ballot by a majority of those present at the meeting, and the result thereof shall be forthwith returned, by the person presiding, to the Commander-in-chief, through intermediate headquarters. If any person, holding a commissioned office at the time, be nominated, such meeting, if otherwise competent, shall thereupon nominate his successor in such office. If there shall be a failure to nominate any officer at two meetings ordered therefor, the Commander-in-chief may fill the vacancy by direct appointment. If the person so designated to preside at any such meeting shall not appear thereat, the senior officer present shall preside.

commissioned officers. 17 Conn., 570.

Sec. 3154. Every nomination of a commissioned officer shall be subject to the approval of the Commander-in-chief, who shall delay an appointment for ten days after receiving a return thereof, to give opportunity for remonstrance, and if then approving shall issue his appointment therefor, and if not so approving, shall order a new nomination, and after twice disapproving he shall fill such vacancy without further nomination. Such appointment shall be conditional, in the case of all officers required by law to appear before the examining board hereinafter mentioned. To all officers of, or above the rank of, lieutenant, who shall have passed an examination satisfactory to said examining board, or who are not required by law to pass such examination, the Commander-in-chief shall issue commissions, dating from their respective nominations.

G. S. 1875, 115, § 9. 1883, ch. 109. Governor to approve nominations.

Sec. 3155. In the case of officers, for whose appointment the consent of the Senate is required, the Commander-in-chief, during any recess of the Senate, may make appointments to, or removals from, office for cause, which shall be valid till the further action of the Senate thereon.

G. S. 1875, 115, § 10. Appointment of officers in recess of the Senate.

Sec. 3156. The commandant of each company and platoon of artillery shall, from its enlisted men, nominate its sergeants and corporals to the commandant of his regiment, or battery, who shall appoint and issue warrants to the persons nominated when approved by him, or order new nominations when disapproving; but no sergeant's warrant shall be issued to any person not certified by his captain to have passed a satisfactory examination in the tactics, in the school of the soldier and the school of the company, nor any corporal's warrant to any person not so certified to have passed a like examination in the school of the soldier. The musicians of each company shall be appointed by its commandant.

G. S. 1875, 115, § 11. 1887, ch. 101. Non-commissioned officers.

Sec. 3157. All persons serving five years consecutively in the active militia shall be thereby entitled to an honorable discharge,

G. S. 1875, 115, § 12. Immunities for five years' service.

exempting them from military duty thereafter, except in case of war, invasion, rebellion, riot, or reasonable apprehension thereof.

G. S. 1875, 116, § 13. Resignation of officers.

Sec. 3158. The resignation of any staff officer shall be made to his immediate commanding officer, and, if approved, shall be forwarded to the Commander-in-chief, who shall accept it and grant an honorable discharge. The resignation of any other commissioned officer shall be made to the Commander-in-chief. The commissions of all staff officers shall expire, when the successor of the officer nominating or appointing them shall make new nominations or appointments to their respective offices.

Term of office of staff officers.

G. S. 1875, 116, § 14. 1880, ch. 26. 1887, ch. 101. Removal of officers. Discharges.

Sec. 3159. Unless otherwise expressly provided, every commanding officer may remove any officer on his staff. The Adjutant-General and Quartermaster-General may remove their assistants. The commandant of each regiment and battery may reduce to the ranks any non-commissioned officer therein; and the Commander-in-chief may give an honorable or a dishonorable discharge or dismissal to any officer, musician, private, or member of a band in the service; but no resignation, removal, discharge, or dismissal shall in any way affect the liability of any person for public property in his possession, or for which he is responsible, or for fines and dues due the company to which such person belonged, or for fines for non-performance of military duty incurred under the provisions of this title.

G. S. 1875, 116, § 15. 1883, ch. 109. Examination of officers.

Sec. 3160. An examining board, of two or more competent persons, appointed by the Commander-in-chief, shall convene at such times and places as he shall direct, and examine in military tactics and duties all commissioned officers, below the rank of Brigadier-General, whose positions require a knowledge of military tactics or duties. The Commander-in-chief shall give at least two weeks' notice to all such officers to appear thereat. Said board shall, in twenty days after each examination, make a detailed report of its result to the Commander-in-chief, who shall thereupon revoke the appointments of all officers failing to appear and pass an examination satisfactory to said board; provided that he may allow an opportunity for examination, at the next session of said board, to any officer who shall give him a satisfactory excuse for not appearing before it when first ordered; and that no officer who has passed one satisfactory examination shall be re-examined previous to promotion.

G. S. 1875, 116, § 16. 1883, ch. 109. 1887, ch. 101. Company by-laws. Fines and dues.

Sec. 3161. Each company, platoon of artillery, and band, may make by-laws for its government, which shall be binding on its members when approved by the Adjutant-General; and all fines and dues imposed by such by-laws may be collected in the same manner as is provided for collection of fines in section 3201, except that it shall be legal to notify any delinquent of the incurrence of any fines or dues within three months of the date when the same were incurred, and notice may be given collectively of such fines or dues, or both.

G. S. 1875, 116, § 17. 1887, ch. 101. Duty and power of Governor.

Sec. 3162. The Commander-in-chief shall maintain the Connecticut National Guard, by organizing new companies, platoons of

artillery, and bands, and disbanding inefficient companies, platoons of artillery, and bands, from time to time, as he shall deem expedient. Its system of discipline, exercise, and administration, save as otherwise expressly provided in this title, shall conform as nearly as practicable to that prescribed from time to time for the army of the United States. System of discipline and tactics.

CHAPTER CXCI.

Arms, Armories, Uniforms, and Equipments.

Sec. 3163. No company of military beyond the number authorized by this title, shall receive from the State any aid or compensation whatever, except as is hereinafter provided for the Governor's guards, but this section shall not affect the loan of arms and equipments made by the Quartermaster-General when authorized thereto. 1881, ch. 142, § 5. Unauthorized military company not to receive State aid.

Sec. 3164. Whenever any company or regiment of the national guard of this State, in the effort to perfect themselves in marksmanship and military science, have provided or shall provide themselves free of expense to the State, with arms suitable for such purpose, other than those issued by the State, the arms so provided shall be recognized as part of the military armament of this State. 1876, ch. 90. Military companies may provide themselves with arms.

Sec. 3165. The Quartermaster-General shall, upon due requisition therefor, approved by the Adjutant-General, furnish the active militia, at the expense of the State, with suitable arms, uniforms, armories, ammunition, equipments, colors, camp equipage, and transportation from its armory to the place of parade or encampment, and a regimental headquarter room for each regiment, for the safe keeping of the colors and other State property in charge of the regimental commanders. 1879, ch. 126, § 1. Quartermaster-General to supply arms, uniforms, etc.

Sec. 3166. The armory of each company and platoon of artillery shall, subject to the orders of the Quartermaster-General, be under the charge of its commanding officer, who shall keep therein all property furnished his company or platoon by the State, and be responsible for it, and execute such bonds therefor as the Quartermaster-General, from time to time, shall require; and no company or platoon shall be so furnished until such bonds shall be executed and approved by the Quartermaster-General, nor until a suitable armory shall be selected for their deposit. In case of the renting of any armory for other than company or platoon purposes the proceeds thereof shall be paid to the Quartermaster-General, who shall G. S. 1875, 117, § 2. 1887, ch. 101. Armories.

Band-rooms. pay them to the State. To each regimental band there shall be paid seventy-five dollars, annually, in commutation for the rent of its band-room or armory.

1882, ch. 147. Armories may be provided in large towns. Commission to build or purchase. **Sec. 3167.** In towns in which two or more military companies are located, suitable armories for the use of said companies may be built or purchased by the State. All contracts and transactions for building or purchasing shall be by a commission to consist of the Governor, Adjutant-General, and Quartermaster-General for the time being, who shall have full power to purchase land, and build armories, as herein contemplated, and the Comptroller shall draw his order on the Treasurer in favor of said commission for such sums as said commission may certify to him to be necessary to pay bills contracted by them for the purposes aforesaid, within the limits of the appropriations made according to law, and the State is authorized to take any land the said commission deem necessary for the purpose of locating permanent armories as herein authorized. (Payment for such armories. Taking land.)

1882, ch. 147. Mode of condemning land. **Sec. 3168.** If said commission cannot agree with any owner or owners upon the amount to be paid for land thus taken, they may apply in the name of the State to the Superior Court in the county where the land lies, or if said court is not in session, to any judge of the Superior Court. Said application shall be accompanied by a summons, which shall be served and returned in the same manner as civil process, and upon said application said court or judge shall appoint a committee of three disinterested men, who after being sworn, and having given reasonable notice to the parties interested, shall view the land, hear the evidence, ascertain the value, assess just damages to the owner or owners, and report their doings to said court or judge, who may accept the same, or may, in case of any irregular or improper conduct on the part of said committee in the performance of their duty, reject it, and in case of rejection said court or judge shall appoint another committee who shall proceed in the same manner as provided for the first committee.

1882, ch. 147. Land not to be used by the State until paid for. **Sec. 3169.** The acceptance of the report of such committee shall operate as a judgment in favor of any person to whom damage shall be assessed against the State, and said court or judge may make any order necessary to protect the rights of all persons interested, and said land shall not be enclosed or used by the State until the amount of said judgment shall be paid to the party to whom it is due or deposited for his use with the treasurer of the county in which the land lies, and upon such payment or deposit, said land shall become the property of the State. The expenses and costs of said hearing before the court or judge aforesaid shall be audited and allowed by the commission, and paid by them.

G. S. 1875, 117, § 3. 1879, ch. 136. Cleaning and repair of arms, and inspection of armories, etc. **Sec. 3170.** The Quartermaster-General shall provide for the expense of cleaning and keeping in repair all arms, uniforms, and equipments furnished by the State to the active militia, in such manner as he shall prescribe; and shall, annually, in September or October, inspect, or cause to be inspected by his assistant, the arm-

ories and band-rooms, and all State property in the possession of the active militia, or of any schools, persons, or associations; and may cause to be returned to the State arsenal and repaired all such property which he at any time shall find to be damaged by neglect or improper use. The expense of such inspections in the case of the schools, persons, and associations aforesaid, shall be paid by them.

Sec. 3171. Every commissioned officer shall furnish himself with a complete uniform approved by the Commander-in-chief, and every officer so uniformed and in service, on the first day of October in each year, shall be allowed and paid by the Quartermaster-General on or before the thirtieth day of November in each year, the sum of ten dollars in payment therefor. General and field officers, and their staffs, shall appear mounted on all days of review or parade. G. S. 1875, 117, § 4. 1879, ch. 126. Uniform of commissioned officers. Allowance for uniform.

Sec. 3172. The uniforms of each regiment of infantry and platoon of artillery shall be as prescribed by its commissioned officers and approved by the Commander-in-chief, a sample of the uniform so prescribed being deposited with the Quartermaster-General. The Commander-in-chief, Adjutant-General, Quartermaster-General, and Brigadier-General, commanding Connecticut National Guard, shall constitute a military clothing board to receive proposals and award all contracts for uniforms which may be required for the use of the active militia, which uniform shall be as prescribed and in accordance with sample furnished. All uniforms must be accepted by said board before being paid for by the Quartermaster-General: provided, however, that to each drum and fife major and member of regimental bands who shall provide himself with a uniform as prescribed and approved, the Quartermaster-General shall allow and pay, if so requested, the same sum as the uniform of a private of that command would cost, and upon such payment the uniform shall become the property of the State. 1879, ch. 126. 1887, ch. 101. Regimental uniforms.

Sec. 3173. Every uniform furnished by the State to the active militia shall remain in the company or platoon armory, or room of said regimental band, in charge of the commanding officer of the company, platoon of artillery, or band, or of some suitable person appointed by him, except when worn in the discharge of military duty; and every non-commissioned officer, musician, or private, who shall neglect to return to the armory of the company, or platoon of artillery, or room of the band, or to place in charge of the commanding officer of the company, platoon of artillery, or band to which he belongs, any arms, uniform, or equipment, or portion thereof, belonging to the State, within six days after being notified by said commanding officer to make such return, or to place the same in his charge, shall be fined not more than fifty dollars, or imprisoned not more than two months, or both. 1879, ch. 126. 1887, ch. 107. Ownership of uniform paid for by State.

Sec. 3174. Every person who shall willfully or wantonly injure or destroy any uniform, arm, equipment, or other military property of the State, and refuse to make good such injury or loss, or who shall sell, dispose of, secrete or remove the same, with G. S. 1875, 118, § 7. Injury to uniform, arms, etc., how punished.

intent to sell or dispose thereof, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both.

CHAPTER CXCII.

Duties of Certain Officers.

G. S. 1875, 118, § 1. 1887, ch. 101. Adjutant-General.

Sec. 3175. The Adjutant-General shall issue all orders of the Commander-in-chief to the militia, and shall keep a record of the proceedings of his office. The records of the brigade, and of each regiment, company, platoon of artillery, and band, shall be kept by its proper officers in such form as he shall prescribe; he shall also furnish, at the expense of the State, all proper blank books, blanks, and forms, and such military instruction books as the Commander-in-chief shall approve, and may order from each regiment, company, and platoon of artillery such returns and muster rolls as he may deem expedient. He shall annually report to the Commander-in-chief the condition of the national guard, with a roster of all the commissioned officers, and such other matters relating to the militia as he may deem expedient; and on or before the first Monday in January, annually, make a return of the militia of the State, their arms, accoutrements, and ammunition, to the President of the United States.

G. S. 1875, 118, § 2. Quartermaster-General.

Sec. 3176. The Quartermaster-General shall take care of all public property belonging to his department, and biennially report to the General Assembly, on the first week of each regular session, a complete inventory of such property and the places where it is deposited, with a detailed account of all articles consumed or issued, and money expended in his department not previously reported. Two persons shall be biennially appointed by the General Assembly to audit the Quartermaster-General's account, who shall, annually, in April, inspect the State arsenal, and the property therein, and report the condition thereof, and the correctness of the Quartermaster-General's account, to the General Assembly, during the first week of each regular session.

G. S. 1875, 119, § 3. Surgeon-General.

Sec. 3177. The Surgeon-General shall examine and determine the qualifications of candidates for regimental surgeons, assistant surgeons, and hospital stewards; and, by and with the advice of the Commander-in-chief, shall have general supervision and control of all matters pertaining to the medical department of the militia, and prescribe in general orders the physical and mental disabilities exempting from military duty.

G. S. 1875, 119, § 4. Commissary-General.

Sec. 3178. The Commissary-General, in time of war or insurrection, shall procure supplies for the subsistence of the troops; and

shall report the state of his department biennially to the General Assembly, during the first week of each regular session.

Sec. 3179. The Paymaster-General shall pay the troops their wages, and annually settle his accounts with the Comptroller on or before the thirtieth day of June.

G. S. 1875, 119, § 5. 1887, ch. 101. Paymaster-General.

Sec. 3180. The Quartermaster-General, Commissary-General, and Paymaster-General, shall execute all orders given them by the Commander-in-chief, and shall each give bond, with surety, to the State, to the acceptance of the Treasurer, in twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

G. S. 1875, 119, § 6. Bonds of Quartermaster-General, etc.

Sec. 3181. When ordered out for inspection, the regiment shall be inspected in accordance with the rules of the United States army, by the brigade inspector, who shall report the quality and condition of the uniforms, arms, and equipments, of both officers and men, and the other details of his inspection, to the Brigadier-General, and the latter shall forward the same to the Adjutant-General with his annual report.

G. S. 1875, 119, § 7. Regimental inspection.

Sec. 3182. The commanding officer of each company and platoon of artillery shall, annually, in October, make a certified return of the names of the active members of his command who have performed the duty required by law to the selectmen of the towns in which such members reside. Like returns of staff officers and regimental bands shall be made by their regimental commandants, and of other staff officers by their immediate commandants.

G. S. 1875, 119, § 8. 1887, ch. 101. Returns to be made to selectmen.

Sec. 3183. The Comptroller shall draw his order on the Treasurer to the order of the proper disbursing officer, for all payments and expenditures authorized by this title — requisition being made by the officer on the Comptroller for the sums required — which requisition shall be approved for the Adjutant-General by the Governor, and for the Quartermaster-General, Commissary-General, and Paymaster-General by the Adjutant-General. Each officer shall file his vouchers with the Comptroller on or before the twenty-eighth day of February, the thirty-first day of May, the thirty-first day of August, and the thirtieth day of November in each year.

G. S. 1875, 119, § 10. 1882, ch. 132. Comptroller to draw orders.

CHAPTER CXCIII.

Parades and Encampments.

Sec. 3184. The Connecticut National Guard shall parade for drill one day, annually, in May, by company or regiment, as ordered by the Commander-in-chief, and the infantry shall encamp for drill and instruction six successive days, between the tenth of August

G. S. 1875, 120, § 1. 1883, ch. 109. 1887, ch. 101. When held.

and twentieth of October by regiment or brigade, annually or biennially, as ordered by the Commander-in-chief; but each regiment shall perform such encampment duty at least once in every two years, and in each year, when not so encamped, shall parade for one day between the aforesaid dates, by regiment or by company, as the Commander-in-chief shall order.

G. S. 1875, 120, § 2. 1887, ch. 101. Place of encampment. Notice.

Sec. 3185. The places of said encampments shall be designated by the Commander-in-chief. Orders for encampment shall be given at least fifteen days prior thereto, and for said parades at least three days prior thereto, by depositing the same in the mail, properly addressed to the person to be notified, or leaving the same at his usual place of abode, or reading the same in his hearing. Each platoon of artillery shall parade one day in September for drill, in its own town; and the Commander-in-chief may, at his discretion, order any platoon of artillery to attend any encampment. No member of the active militia shall be exempted or relieved from military duty by membership or service in any fire company.

G. S. 1875, 120, § 3. Roll call.

Sec. 3186. Every company, while encamped, shall have roll call on the first day at noon and at tattoo; on the remaining days at reveille, at noon, and at tattoo. Absence without leave from either of said roll calls shall be deemed as absence for the entire day, and so reported on the pay roll. The commander of the regiment shall detail officers from his staff, who shall attend the roll calls of the companies, and report to him the names of absentees of such companies, and such report shall be forwarded to the Adjutant-General.

G. S. 1875, 120, § 4. Power of commanding officer.

Sec. 3187. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment or parade any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command; and he may prohibit the sale of all spirituous or malt liquors within one mile of such parade or encampment.

G. S. 1875, 120, § 5. Duty of Brigadier-General.

Sec. 3188. The Brigadier-General shall direct such target practice at the annual parades or encampments as he may deem expedient, and shall attend each encampment, and report the conduct and discipline thereof to the Commander-in-chief, who, if he shall judge that such encampment has been prejudicial to good morals or military discipline in any regiment, shall not permit another encampment of such regiment until its commanding officer has resigned or been removed.

G. S. 1875, 121, § 6. Quartermaster-General to furnish transportation, etc.

Sec. 3189. The commanding officer of each encampment shall make requisition on the Quartermaster-General at least ten days prior thereto, for the necessary transportation and tents, blankets, camp equipage, and supplies therefor; and if approved by the Adjutant-General, the Quartermaster-General shall furnish the same.

G. S. 1875, 121, § 7. 1879, ch. 11. Special military service.

Sec. 3190. The Commander-in-chief, or in his absence from the State, the Brigadier-General, may call out any portion of the active militia for escort duty, or any special service in the State; and if the same shall be for ten days or less, the compensation shall be the same as for the parades expressly required by law, but if for more than ten days, the compensation, allowances, and rations, shall be as prescribed for the army of the United States.

G. S. 1875, 121, § 8. 1883, ch. 109. 1887, ch. 101. Company drills.

Sec. 3191. The Commander-in-chief may direct the commandant of each regiment and the battery of light artillery to order weekly evening drills by any company and platoon of his command from November to May inclusive, of not less than one hour each, and the commandant shall inspect at least one evening drill of each company or platoon during said period, or detail a field officer for such inspection. The officer making such inspection shall receive his necessary traveling expenses, to be paid on certificate of the regimental commandant, approved by the Adjutant-General.

1881, ch. 54. Evening inspections and muster.

Sec. 3192. The Commander-in-chief is authorized to order evening inspections and musters of the national guard, and for absence from such inspection or muster, each member shall be liable to the same fine as for absence from any legally authorized parade or encampment.

CHAPTER CXCIV.

Pay.

G. S. 1875, 121, § 1. 1877, ch. 156. Amount of pay and allowances.

Sec. 3193. There shall be paid for each day's service in complete uniform at the parades and encampments authorized by this title, two dollars to every officer, musician, and private, except drum and fife major, whose pay, with each member of the regimental band, shall be two dollars and seventy cents; also five dollars for each horse furnished and used by officers required to be mounted, and two dollars a day for each artillery horse used on parade, and rations and forage, or commutation therefor, as prescribed by the army regulations of the United States.

G. S. 1875, 121, § 2. 1881, ch. 53. 1887, ch. 101. Pay-rolls.

Sec. 3194. Pay-rolls for service shall be forwarded in duplicate to the Adjutant-General on the last day of encampment before the organization leaves the camp-ground, or within two days after a parade, for the companies and platoons of artillery by their respective commandants, and for brigade and regimental field and staff officers and bands by their respective commandants, with a certificate under oath by such commandants, that the persons therein named have performed the duty and are entitled to the pay therein

specified. The Adjutant-General shall forward one of said payrolls, if approved by him, to the Paymaster-General within ten days after receiving it, and within five days thereafter the Paymaster-General, or regimental paymaster under his direction, shall pay the specified amounts to the persons entitled thereto, in person or by check, after deducting and paying to the company treasurer, or person authorized to receive the same, the amount of all stoppages due from said person, under the by-laws of the company, or the provisions of any law of the State; also all assignments made for rations furnished at any parade or encampment. No such payment shall be made at any parade or encampment. In any organization in which there is no paymaster, the Adjutant-General may detail an officer to make payments as prescribed herein. The regimental paymaster and officers detailed as paymasters, shall give bonds with surety to the State in the sum of ten thousand dollars, conditioned for the faithful discharge of their duties. The Comptroller shall draw orders on the Treasurer in favor of the Paymaster-General for such sums as the Adjutant-General shall certify to him will, in his opinion, be necessary for the purposes specified in this section, which shall be paid out of any unappropriated money in the treasury; and should there be none when thus called for, the Treasurer may borrow the amount necessary for such purposes. The Paymaster-General, after paying such officers, musicians, and privates, shall settle with the Treasurer, by returning any surplus money in his hands, or by receiving from the Comptroller his order on the Treasurer for any sums of money that he may have paid, over and above the sum received by him for such purposes, and he shall file his vouchers with the Comptroller.

G. S. 1875, 122, § 3. False certificate to pay-roll.

Sec. 3195. Any officer who shall knowingly and falsely certify to any such pay-roll, with intent to cause any payment to be made not due by the provisions of this title, shall be fined not more than two hundred dollars, or imprisoned not more than three months.

G. S. 1875, 122, § 4. 1887, ch. 101. Fines and dues to be deducted.

Sec. 3196. The commanding officer of every company, platoon of artillery, and band, shall deduct from any pay so received for any member thereof, the amount of all dues, fines, and penalties due from said member under the by-laws of such company or any provisions of this title.

1879, ch. 89. No member to receive pay, unless personally performing duty.

Sec. 3197. No officer or soldier in the national guard shall receive any compensation for duty at parades or encampments, unless he personally performs such duty, whether excused or not, nor shall any substitute for such member receive compensation. All officers and soldiers shall sign pay-rolls, on day of parade or before last day of encampment, for duty performed, and in all cases the signature of a soldier shall be made in the presence of his commanding officer, and in case he signs by mark, such mark attested by such officer.

Pay-rolls to be signed.

1887, ch. 28, § 4. Annual allowance to commandants for care of property.

Sec. 3198. The commandants of each regiment, of the battalion, and of each company of infantry and platoon of artillery, shall be allowed fifty dollars a year, and the commandant of each

machine-gun platoon twenty-five dollars a year, as compensation for the care of the State property in his possession, to be paid by the Quartermaster-General after his annual inspection of such property, if it be found in good condition, deducting, however, the value of all such property not accounted for.

Sec. 3199. Regimental surgeons, when not on regular duty with their regiments, post surgeons, members of the examining board, and all officers ordered on special service by the Commander-in-chief, shall receive such pay for their services as may be determined by the Commander-in-chief. G. S. 1875, 122, § 6. Pay of surgeons and officers on special services.

Sec. 3200. Every officer or soldier wounded or disabled, and the widow and children of every officer or soldier killed while in the service of the State, shall be suitably provided for by the General Assembly. G. S. 1875, 122, § 7. Soldiers killed or disabled while in service.

CHAPTER CXCV.

Fines and Courts-martial.

Sec. 3201. Every non-commissioned officer, musician, or private, or member of a regimental band, absent without leave, or excuse satisfactory to his commanding officer, from any parade or encampment, shall be fined five dollars for each day of such absence, and for any unsoldierly conduct or disobedience to orders, at any drill, parade, or encampment, may be fined not more than ten dollars by his commanding officer, who shall notify him of such fine within ten days after such absence or offense. If such fine is not paid within ten days after such notice, such commanding officer shall certify the same to the commandant of his regiment, who shall hear and determine the case; and he may at any time within six months after such hearing, draw his warrant for the collection of such fine or fines, directed to the sheriff, or any proper officer, who shall proceed to enforce and collect the same, in the same manner as an execution issued in any action founded upon a tort. Such fines, when collected, shall be paid into the treasury of the company, platoon of artillery, or band to which the offender belongs. G. S. 1875, 122, § 1. 1887, ch. 101. When soldiers liable to fine. 2 Root, 456. 17 Conn., 180. Collection of fines.

Sec. 3202. Executions for the collection of fines under the provisions of this title may be of the form following, to wit: To the sheriff of ——— county, his deputy, or either constable of the town of ———, within said county, greeting: Whereas ——— of said ——— a ——— of ——— regiment, Connecticut National Guard, has incurred fines by reason of absence without leave or 1879, ch. 64. Form of executions to collect fines.

satisfactory excuse from ——— duly ordered by law as follows: [Date of parade or encampment.] [Amount of fine.] And whereas said ——— has also incurred the following fines for violation of the by-laws of said ——— [Date of fine.] [Amount of fine.] And whereas due and lawful notice thereof was given to said ——— according to law, but he neglected and refused to pay the same, and thereupon certificate was made as required by statute to ——— then commanding said regiment, who did, on the ——— day of ——— 18—, at ——— in the town of ——— in said ——— county (the said ——— having had sufficient notice thereof) hear said cause, and thereupon did find and determine that the aforesaid fines, amounting in all to the sum of ——— dollars, had been lawfully imposed on the said ——— and that said ——— had neglected to pay the same, and that the same were now due and payable, and that execution should issue for the collection of the same. These are therefore by authority of the State of Connecticut to command you that of the goods or lands of the said ——— within your precincts you cause to be levied, and the same being disposed of or appraised as the law directs, paid into the treasury of the said ——— the aforesaid sum of ——— dollars, with interest on said amount from the date of this execution to the time when the same shall be satisfied, with twenty-five cents more for this writ, and thereof also to satisfy yourself for your own fees. And for want of such goods of the said ——— to be by him shown unto you or found within your precincts for satisfying said sums, you are hereby commanded to take the body of the said ——— and him commit unto the keeper of the jail in ——— in said county, who is likewise hereby commanded to receive the said ——— and him safely keep until he shall pay into the treasury of said ——— the full amount of the sums above mentioned, and also satisfy your own lawful fees. Hereof fail not, and make due return of this writ with your doings thereon to the subscribing authority. Dated at ——— this ——— day of ——— A. D. 18—.

1878, ch. 138. 1883, ch. 109. Military court of inquiry.

Sec. 3203. The Commander-in-chief may, at any time, appoint a court of inquiry, of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct, and efficiency of any commissioned officer, who may be reported to him as a fit subject for examination. Two members at least of such board shall, if practicable, be at least equal in rank to the officer to be examined, and upon the report of such board, if adverse to such officer, and approved by the Commander-in-chief, the commission of such officer shall be revoked.

G. S. 1875, 123, § 2. Courts-martial, when held, etc.

Sec. 3204. Commissioned officers, for neglect of duty, disobedience of orders, or unsoldierly conduct, may be tried by court-martial, according to the usage of such courts, ordered as occasion may require by the Commander-in-chief, who, in such order, shall designate the time and place of holding such court, and the names of the officers composing it, to consist of not less than three nor more than six in number. The senior officer named shall preside, and shall be of superior rank to the officer on trial.

Sec. 3205. The officer to be tried shall be served, at least twenty days before the session of said court, with a copy of the order for the same, for his appearance thereat, and a copy of the charges on which he is to be tried, attested by the Adjutant-General, and served and returned to the proper judge advocate by any person or officer designated by the Adjutant-General. The charges shall specify the act or neglect constituting the alleged offense, and shall be signed by the person making them and addressed to the Commander-in-chief. G. S. 1875, 123, § 3. Officer accused to have copy of charges.

Sec. 3206. Any officer on trial before a court-martial may appear before said court in person or by counsel. 1883, ch. 109. May appear by counsel.

Sec. 3207. A judge advocate, with the rank of major, shall be appointed for each regimental district, and hold office during the pleasure of the Commander-in-chief, and shall perform the duties of such office in the courts-martial held in his said district, and no other person shall prosecute in such courts; but when any judge advocate is unable to attend from any cause, or shall be disqualified by relationship or interest, the Commander-in-chief may designate the judge advocate of another district to act in his place. G. S. 1875, 123, § 4. 1883, ch. 109. Judge advocate.

Sec. 3208. Every judge advocate shall be duly sworn, and his oath indorsed on his commission by the authority administering it. The members of the court, before every trial, and all witnesses in such court, shall be duly sworn by the judge advocate. G. S. 1875, 123, § 5. Judge advocate and members to be sworn.

Sec. 3209. The judge advocate shall cause the witnesses for the prosecution to be summoned by any person by him directed, by *subpœna* signed by him. The accused shall be entitled to like process for witnesses in his defense, and depositions may be used as in civil courts. Any witness duly summoned, who shall refuse to appear and testify, may be by warrant signed by the president of the court, and directed to the sheriff of the county, his deputy, or either constable of the town in which such witness resides, committed to the jail in such county, there to be held at his own expense, until he shall be discharged by due course of law. The fees of all witnesses summoned on the part of the State, and of the judge advocate for summoning them, shall be the same as are allowed in civil causes, to be taxed by the president of the court, and paid by the State to the judge advocate, who shall pay the fees of witnesses, when received by him, to the persons to whom they are due; and if the sentence of the court be against the accused, and be duly approved, said fees shall, by warrant under the hand of the president of the court, directed in manner aforesaid, be collected of the delinquent and paid to the State. G. S. 1875, 123, § 6. Witnesses, how summoned and paid.

Sec. 3210. If, on trial, the accused shall except against any one or more members of the court, he shall state the ground of his objections, and if it shall appear to the court sufficient, the member, or members, objected to shall not act; and if the number remaining shall be less than three, the court shall be adjourned for a reasonable time, so that the officer appointing the court may detail others to supply the place or places of such members. G. S. 1875, 124, § 7. When members may not act.

G. S. 1875, 124, § 8. Extent of jurisdiction.

Sec. 3211. No court-martial, in time of peace, shall order any other punishment than a fine of not more than one hundred dollars, and a reprimand, or either; or a fine of not more than one hundred dollars, and cashiering, with disability of holding any military office in this State, or either of these punishments; and two-thirds of every court shall concur in every sentence.

Two-thirds vote.

G. S. 1875, 124, § 9. Officer under arrest neglecting to attend court, how punished.

Sec. 3212. If an officer under arrest shall refuse or neglect to attend a court-martial, according to orders and notice given to him, he shall be fined by said court not more than one hundred dollars, and be cashiered, with disability of ever holding any military office in this State, unless prevented by reasonable cause from so attending; in which case the court may adjourn, and notice thereof shall be given by the judge advocate to the arrested officer at least ten days before the day to which the court is adjourned.

G. S. 1875, 124, § 10. Fines, how collected and disposed of.

Sec. 3213. The fines imposed by a court-martial shall be for the use of the State, and shall be collected by a warrant under the hand of the president of the court, directed to a sheriff, or some other proper officer, who shall collect them, with lawful costs, as on executions issued in actions founded upon a tort, and pay them to the State Treasurer, except the costs of collection; and in all cases in which a fine or costs shall be awarded by a court-martial, and the sentence of such court shall be approved, and its president shall die, or be discharged or promoted, without having issued a warrant for such fine or costs, the member of such court remaining next in rank to him shall issue such warrant.

G. S. 1875, 124, § 11. Pay of members and judge advocate.

Sec. 3214. The members of said court shall be allowed their actual expenses for travel to and from the place of holding said court, and three dollars a day each for each day during its sittings; and the person in whose house the court shall be holden shall be allowed, not to exceed two dollars a day, in full for room rent, fuel, and lights; and a bill for the same, being taxed and signed by the president, shall be paid by the State; and the judge advocate shall be allowed twenty-five cents for every page of the copy of the proceedings and record of the court-martial, to be taxed and paid in the same manner.

G. S. 1875, 124, § 12. 1883, ch. 109, § 14. Governor to approve sentence.

Sec. 3215. The sentences of courts-martial shall be approved or disapproved by the Commander-in-chief, who may mitigate or remit any punishment awarded by the sentence of a court-martial, when such sentence shall have been approved; and the record of the proceedings and sentence of a court-martial, in every case, with the order approving or disapproving it, shall be deposited in the office of the Secretary of the State. In each regiment, battalion, and battery, the commanding officer thereof shall establish a field officers' court-martial, for the hearing and trial of any enlisted man, against whom charges are made. Said court shall consist of a field officer duly appointed in orders, who shall keep a record of his doings and report, as in cases of courts-martial.

Regimental field officers' court-martial.

CHAPTER CXCVI.

Governor's Guards.

Sec. 3216. The several companies of Governor's guards shall be filled from time to time by voluntary enlistments; but no enlistment shall be made from any company of active militia. G. S. 1875, 125, § 1. Enlistments.

Sec. 3217. The commanding officer of any company may order any of its musicians to assemble for practice and instruction, at such places as he shall direct, and at such times, not exceeding, together with the number of days on which they shall be called to do duty with their company, the whole number of days on which said company may, by law, be called out for company exercise; and if any musician shall neglect to obey such order he shall be liable to the fines prescribed for non-attendance on days of ordinary company exercise, subject to the right of appeal allowed by section 3219. G. S. 1875, 125, § 2. Commandant may assemble musicians for practice.

Sec. 3218. The sworn certificate of the commanding officer of any such company shall be evidence of any forfeiture incurred by its members; and if any forfeiture shall not be paid within ten days after it shall have been incurred, he may sue for it in his own name, but for the use of the company; and shall have powers of attachment and execution against the body of the delinquent to be proceeded with in all respects as in actions founded upon a tort; and when any commanding officer shall die, resign, or be removed from office, all actions for such forfeitures may be brought or continued by his successor in office. G. S. 1875, 125, § 3. 1879, ch. 22. Evidence of forfeitures. Proceedings for collection.

Sec. 3219. The commanding officer of any such company may dismiss every non-commissioned officer, musician, and private belonging thereto who shall neglect his duty, and thereafter such person shall be liable to be enrolled in the same manner as if he had never enlisted into such company; but he may, within thirty days after receiving notice of such dismissal, appeal to the Commander-in-chief, who may annul or affirm such dismission. G. S. 1875, 125, § 4. Member, how and for what dismissed.

Sec. 3220. Each company of the Governor's guards shall be entitled to an armory, to be provided by the Quartermaster-General and paid for by the Comptroller, on approval by the Governor, and one dollar per year for care of each rifle or saber issued to them by the State, to be paid by the Comptroller, and each member of any company of the Governor's guards who shall parade annually in May, for one day's drill, or shall do active duty at any other time, when so ordered by the Commander-in-chief, shall receive pay as follows, viz.: For each officer, non-commissioned officer, and private, two dollars per day, and, in addition thereto, a commutation of rations of one dollar and twenty cents for each officer, and thirty 1881, ch. 142. Armory for Governor's guards. Pay and allowances.

cents for each enlisted man, and for each horse used by any commissioned officer entitled to parade mounted, five dollars per day, and for each horse used by each non-commissioned officer or private of mounted companies, two dollars per day, and forage for each horse when used as above, twenty-six and two-thirds cents per day, and fifty dollars to each company for a band of music when parading as an escort to the Governor, and pay for two musicians per day when otherwise ordered out by the Commander-in-chief, and fifty dollars per year to each commandant of a company who is responsible for the care and custody of State property in their possession, and actual cost of transportation to said companies when ordered out by the Commander-in-chief for drill, parade, or escort duty, as above provided, all of which payments shall be made on properly receipted pay-rolls, and attested and sworn to by the commanding officer, to be paid by the Comptroller on the approval of the Governor.

1881, ch. 142. Arms and uniforms.

Sec. 3221. All issues of arms, equipments, and uniforms to the companies of the Governor's guards shall be made in such manner as shall be from time to time provided for by the General Assembly, but this section shall in no way affect the property of the State now in the possession of the Governor's guards.

G. S. 1875, 125, § 6. Return of muster-roll.

Sec. 3222. The commanding officer of each company of Governor's guards shall annually, in March, transmit a muster roll of his command to the Adjutant-General.

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